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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,656	03/01/2002	James A. Buckley	3191E-000001/CPC	8121

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EXAMINER
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TORRES, MELANIE

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,656

Applicant(s)

BUCKLEY ET AL.

Examiner

Melanie Torres

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr.

Re claims 1 and 8, Wooters teaches a golf car comprising a pedal assembly. However, Wooters does not teach a frame supported on a plurality of wheels; a bracket member fixedly coupled to said frame; and a pedal member having an arm portion and a pedal portion, said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled to said bracket member at a second end of said arm portion such that said second end of said arm portion is elevated relative to said pedal portion. Bruhn, Jr. teaches a frame supported on a plurality of wheels (deemed to be inherent in any vehicle); a bracket member (32) fixedly coupled to said frame; and a pedal member (24) having an arm portion and a pedal portion (22), said pedal portion being disposed on a first end of said arm portion, said pedal member being pivotally coupled (at 28) to said bracket member at a second end of said arm portion such that said second end of said arm portion is elevated relative to said pedal

Art Unit: 3683

portion. It would have been obvious to have used the pedal assembly of Bruhn, Jr. in the golf car of Wooters since pedal assemblies are well known in the art for stopping and moving vehicles.

Re claim 2, Wooters as modified teaches wherein said pedal member is a brake pedal assembly (24) selectively actuating a brake system.

Re claims 7 and 8, Wooters as modified teaches wherein said pedal member is an accelerator pedal assembly (14) for actuating a drive system.

3. Claims 3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr and further in view of MacDuff.

Re claims 3 and 9, Wooters as modified does not teach wherein said brake system comprises: a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder fluidly coupled to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. MacDuff teaches teaches a brake system comprising a hydraulically actuated braking system operably coupled to at least one of said plurality of wheels, said braking system operable to exert a frictional force on said one of said plurality of wheels; and a master brake cylinder (18) fluidly coupled

to said braking system for outputting a hydraulic fluid pressure in response to actuation of said brake pedal assembly, said master brake cylinder being generally positioned above said brake pedal assembly and said braking system. It would have been obvious to have applied the teachings of MacDuff to the brake system of Wooters in order to provide more effective controlled brake actuation in a vehicle.

Re claims 4 and 10, Wooters as modified teaches wherein said hydraulically actuated brake system comprises: a brake rotor attached to at least one of said plurality of wheels; a first caliper (42, 44) assembly having brake pads which contact said brake rotor in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake rotor and associated wheel.

Re claims 5 and 11, Wooters as modified teaches wherein said hydraulically actuated brake system comprises: a brake drum (50) attached to at least one of said plurality of wheels; a first shoe assembly having brake shoes which contact said brake drum in response to said master brake cylinder output to cause friction, said friction retarding movement of said brake drum and associated wheel.

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooters in view of Bruhn, Jr and further in view of Taig.

Re claims 6 and 12, Wooters as modified does not teach wherein said hydraulically actuated brake system comprises: an accumulator fluidly coupled to said

Art Unit: 3683

master brake cylinder, said accumulator storing energy for maintaining a braking force in a parking mode. Taig teaches wherein a hydraulically actuated brake system comprises: an accumulator (103) fluidly coupled to said master brake cylinder (102), said accumulator storing energy for maintaining a braking force in a parking mode. (Fig. 10, 11) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided an accumulator as taught by Taig in the brake system of Wooters as modified as accumulators are well known in the art for storing energy for parking brake applications.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McFarlane et al., Cicotte, Iyan teach similar pedal assemblies. Knothe et al. and Brearey et al. teach accumulators for parking brake applications.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/087,656

Page 6

Art Unit: 3683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

MT  
September 23, 2003

MELANIE TORRES  
PATENT EXAMINER

*Melanie Torres*  
9-24-03